

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 19, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

Each of the following:

B209172 County Of Los Angeles v. Accredited Surety & Casualty Co.
B209173 Koefoed v. Camejo
B211199 Moore v. State Of California

Argument waived, cause submitted.

B199793 Brown et al.
 v.
 Mortensen et al.

Matter is ordered off calendar.

B212070 Stark, et al.
 v.
 Withrow, et al.

Matter is continued to September 22, 2009.

B213627 In re Portillo on Habeas Corpus

Merits:

Argued by Richard D. Pfeiffer for petitioner and by Lora F. Martin, Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

B210762 Taylor, Jr.
 v.
 Bazikyan et al.

Merits:
Argued by James C. Taylor, Jr., appellant in propria persona and by Daniel K. Dik for respondent. Cause submitted.

B211836 Cox
 v.
 County Of Los Angeles

Appearances:
No appearance for appellant and respondent having waived oral argument, cause submitted.

B210563 WRA Property Management, Inc., et al.
 v.
 Jones et al.

Merits:
Argued by Daniel T. Rudderow for appellants and by Dawn M. Oster for respondents. Cause submitted.

B208051 Olivarez, et al.
 v.
 Citadel Outlets, et al.

Merits:
Argued by Kathleen M. Erskine for appellants and by Thomas W. Ely and Jonathan A. Ross for respondents. Cause submitted.

DIVISION ONE (continued)

B205067 In re Marriage of Claudia and Robert Jimenez.
Jimenez
v.
Jimenez

Merits:

Argued by Robert Jimenez, appellant in propria persona and by Cynthia A. DePetrus for respondent. Cause submitted.

B207419 In re Marriage of Cheryl and Gary Sherman.
Sherman
v.
Sherman

Merits:

Argued by Daniel A. Bergman for appellant and by Cheryl Sherman, respondent in propria persona. Cause submitted.

B211718 Dahlstrom
v.
Barker et al.

Merits:

Argued by Elbie Hickambottom, Jr. for appellants and no appearance for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:14 a.m.

Present: Rothschild, Acting P.J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

August 19, 2009 (Continued)

DIVISION ONE (continued)

B206751 Murphy
v.
Hansen et al.

Merits:

Argued by Peter O. Israel for appellant and by Lawrence D. Slavett and Bryan Branan for respondents. Cause submitted.

Court adjourned.

B211199 Moore (Not for Publication)
v.
Franchise Tax Board

The order of the probate court is affirmed.

Miller, J. (Assigned)

We concur: Rothschild, Acting P.J.
 Chaney, J.

B209379 People (Not for Publication)
v.
David

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.
 Rothschild, J.

August 19, 2009 (Continued)

DIVISION ONE (continued)

B205759 Leighton (Not for Publication)

V.

Wanda B. Crowley, as Trustee, etc., et al.

The judgment is reversed. Each side is to bear its own costs on appeal.

Chaney, J.

We concur: Mallano, P.J.

Johnson, J.

B206628 Laurance (Not for Publication)

V.

Lopez et al.

The judgment is affirmed.

Chaney, J.

We concur: Mallano, P.J.

Johnson, J.

DIVISION TWO

B210572 People (Not for Publication)

V.

Pena

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (continued)

[illegible]

The criminal street gang findings pursuant to section 186.22, subdivision (b) are reversed, and the firearm use enhancement under subdivisions (d) and (e)(1) of section 12022.53 is reversed. In all other respects, the judgments of conviction are affirmed. The sentences imposed are vacated and the case is remanded for resentencing. The superior court is directed to prepare a new abstract of judgment after sentencing and forward it to the Department of Corrections and Rehabilitation.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B205750 People (Not for Publication)
v.
Mazariegos

The judgment is modified to impose a 10 percent administrative fee on appellant's restitution order pursuant to sections 1202.4 and 2085.5 of the Penal Code. In all other respects the judgment is affirmed. The superior court is ordered to amend the abstract of judgment and minute order of December 27, 2007, to reflect that the firearm enhancement was imposed pursuant to section 12022.53, subdivision (d) of the Penal Code rather than section 12022.56. The same minute order and abstract of judgment are to be corrected to reflect that an administrative fee at 10 percent of the restitution owed is imposed pursuant to section 1202.4 and section 2085.5 of the Penal Code.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B209022 Graham (Not for Publication)
v.
Board of Trustees of the California State University

The Court:

The judgment denying the petition for writ of mandate is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J. Croskey, J. Kitching, J.

B212142 Los Angeles County, D.C.F.S. (Not for Publication)
v.
D.B.

The order is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B211129 Law Offices of David S. Karton, A Law Corporation
v.
Segreto

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B210746 Jee-MacDougall, et al. (Not for Publication)
 v.
 County of Los Angeles

The judgment issuing the writ of mandate is reversed, and the trial court is directed to vacate the judgment and enter a new judgment denying the writ petition. Appellant is awarded its costs on appeal.

Manella, J.

We concur: Willhite, Acting P.J.
 Suzukawa, J.

B212675 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Y.T.

The order is affirmed.

Willhite, J.

We concur: Epstein, P.J.
 Suzukawa, J.

B210780 People (Not for Publication)
 v.
 Herrarte

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

DIVISION FOUR (continued)

B205330 People (Not for Publication)
v.
Bernal

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B214850 Los Angeles County, D.C.F.S. (Not for Publication)
v.
R.A.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B207861 The Capital Gold Group, Inc., (Certified for Publication)
v.
Stephen T. Nortier, et al.

The February 26, 2008 judgment is reversed and the January 22, 2008 order granting the motion to strike and dismissing the complaint is reversed. The trial court is directed to enter a new and different order denying the motion to strike. The Capital Gold Group, Inc is awarded its costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B210866 Susan Bradford, et al. (Not for Publication)

v.

Moonstone Management Corporation etc.

The judgment is affirmed. Winter is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B210262 Roe, et al., (Not for Publication)

v.

ECOLAB, Inc.

The judgment is affirmed. Respondents shall recover costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B198827 Yabsley (Certified for Publication)

v.

Cingular Wireless, LLC

The judgment of dismissal is affirmed. Respondent shall recover costs.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B209160 Scott

v.

Rayhrer

Filed order granting petition for rehearing.

DIVISION SIX (continued)

B203628 People
v.
Arana

Filed order denying petition for rehearing.

DIVISION EIGHT

B204561 People (Certified for Publication)
v.
Carlos Flores

The clerk of the superior court is directed to (1) strike the \$2,000 parole revocation fine imposed under Penal code section 1202.45 for appellant's conviction for the murder of Guadalupe Aguilar; (2) amend the abstract of judgment to show 74 days of good conduct presentence custody credits; and (3) strike the seven-year consecutive term for the attempted murder of Oscar Molina, thus shortening appellant's sentence to 33 years to life with the possibility of parole. As amended, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bendix, J. (Assigned)

B198592 People (Not for Publication)
v.
Cory Quran Robinson, et al.

The judgments are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bendix, J. (Assigned)

DIVISION EIGHT (continued)

B212581 People (Not for Publication)
v.
Raymond Rangel III

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bendix, J. (Assigned)

B207958 People
v.
Brown

Filed order denying petition for rehearing.